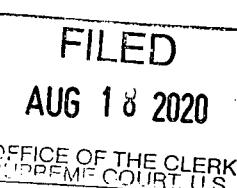


ORIGINAL

20-5502
NO.



SUPREME COURT OF THE UNITED STATES

KAREEM K. KIRK SR;

APPLICANT/ PETITIONER

VS

JANET RICHARDSON; ET, AL.

MARIA O. OSIMEN

RESPONDENTS

ON PETITION FOR WRIT OF CERTIORARI

[SUPREME COURT OF FLORIDA LAST RULE ON MERITS OF THIS CASE]

PETITION FOR WRIT OF CERTIORARI

KAREEM K' KIRK SR

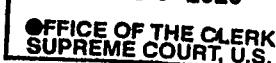
13119 AARANS POND DR, APT 201, TAMPA FLA 33612 [813 5703065]

QUESTIONS PRESENTED

[1] HOW? COULD JUDGE ELIZABETH G, RICE OF THE 13th JUDICAL CIRCUIT IN AND FOR HILLSBOROUGH COUNTY, FLORIDA CIVIL DIVISION, FAIL TO COMPLY WITH THE WRITTEN LAW, THE PETITIONERS RIGHT TO A JURY TRIAL AS GUARANTEED BY ARTICLE 1, SECTION 22, OF THE FLORIDA CONSTITUTION;

[2] HOW ? COULD PETITIONERS SEVENTH AMENDMENT RIGHTS TO THE UNITED STATES CONSTITUTION BE DENIED WHEN IT ENSURES THE PETITIONERS RIGHT TO TRIAL BY JURY IN CIVIL CASES INVOLVING CLAIMS VALUED MORE THAN 20 DOLLARS. AND PETITIONER NOR DEFENDANTS EXPRESSLY WAIVED THERE RIGHTS TO A TRIAL BY JURY AND THE RATIFICATION OF THE FOURTEENTH AMENDMENT TO DUE PROCESS

[3] HOW? COULD JUDGE ELIZABETH G RICE HAVE FAILED TO BE FAITHFUL TO THE RULE OF LAW AND AUG 25 2020



MAINTAIN PROFESSIONAL COMPETENCE IN IT, AND PERFORM JUDICIAL DUTIES WITHOUT BIAS, OR PREJUDICE

[4] HOW? COULD THE SECOND DISTRICT COURT OF APPEAL JUST SIMPLY STATE [BY ORDER OF THE COURT APPELLANTS MOTION FOR REHEARING IS DENIED] THIS IS AN UNELABORATED DECISION.

[5] HOW? COULD THE SECOND DISTRICT COURT OF APPEALS DENY THE PETITIONERS MOTION FOR DISCOVERY OF AN UNELABORATED DECISION OF A CASE RULING

[6] HOW? IS IT THAT ONE OF THE DECISIONS ON REVIEW IS A DECISION OF A DISTRICT COURT OF APPEAL THAT EXPRESSLY CONSTRUES PROVISIONS OF THE STATE AND FEDERAL CONSTITUTIONS AND DIRECTLY CONFLICTS WITH DECISIONS OF OTHER DISTRICT COURTS OF APPEAL ON THE SAME QUESTIONS OF LAW, AND THIS CASE HAS NOT BEEN RETURN TO THE ACTIVE DOCKET, REQUESTING THE COURT TO PROCEED IN SETTING A DATE FOR AN INITIAL PLANNING AND SCHEDULING FOR TRIAL

LIST OF ALL PARTIES

ALL PARTIES APPEAR IN THE CAPTION ON THE COVER PAGE

RELATED CASES

KIRK VS RICHARDSON ET. AL, CASE NO, 12-2888 HILLSBOROUGH COUNTY, TAMPA FLA,
JUDGEMENT ENTERED 12/22/2018

KIRK VS RICHARDSON ET, AL, CASE NO, 2D190089 SECOND DISTRICT COURT OF APPEALS
JUDGEMENT ENTERED 3/13/2020

KIRK VS RICHARDSON ET, AL, CASE NO; SC-20-407 SUPREME COURT OF FLORIDA,
JUDGEMENT ENTERED 3/23/2020

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APPENDIX -- A- DECISION OF STATE COURT OF APPEAL DENYING DISCOVERY OF UNELABORATED DECISION AND REHEARING OF CASE RULING DATED APRIL 07-2020.

APPENDIX -- B- DECISION OF STATE COURT OF APPEAL DENYING REHEARING DATED MARCH 13, 2020.

~~APPENDIX--C--DECISION OF COURT OF APPEAL, NOT FINAL UNTIL TIME EXPIRES TO FILE REHEARING MOTION AND, IF FILED DETERMINED.~~ *K. K. K. SL 8/18/2020*

APPENDIX---D--DECISION OF STATE SUPREME COURT DENYING REVIEW MARCH 23,2020.

TABLE OF AUTHORITIES CITED

[A] --[i] N MAGNA CART- TRIAL BY JURY [see] GOMEZ-OYARZUN VS CARRIBEAN CITY BUILDERS INC; CASE NO; 14-1101,2014, WL,285027 [DPR JUNE2014]

[B]-- FLORIDA,S ASS,N FOR RETARDED CITIZENS INC. BUSH, 246, F 3rd 1296 [11th CIR 2001]

[C]--38 C.F.R.SUBSECTION 14,800 et, Seq. IMPLEMETING UNITED STATES ex, REL [TOUHY VS RAGEN] 340 U.S. 462 [1951]

[D] --38 C.F.R. SUBSECTION 14,807 [b]

[E] MEHEDI VS 2057161 ONTARIO INC, ONCH 670

[F] BJV VS MA, 617,SO.2d 1061 [1963]

[G] ARTICLE 1, SECTION 22, FLORIDA CONSTITUTION.

[H] ARTICLE 1, SUBSECTION 6, FLA. CONST. [1838]

[I] HUNT VS CITY OF JACKSONVILLE, 34 FLA,504, 16 So. 398 [1894]

[J] HATHORNE VS PANAMA PARK CO, 44 FLA. 194,196, 32 So. 813 [1902]

[K] KLUGER VS WHITE, 281 So.2d 1, 4 [FLA.1973]

[L] FLA.STAT. SUBSECTION 2.01 F.S.A

[M] CHEVROLET VAN, 493 So. 2d 433 [FLA.1986]

[N] SMITH VS BAILEN, 258 N. W. 2d 118 [MINN.1977]

[O] SYNDER VS MASSACHUSETTS, 291 U.S.97, 116-117 [1934];

[P] BUCHALTER VS NEW YORK 319 U.S. 427-429 [1943];

[Q] LISENBA VS CALIFORNIA 314 U.S. 219-236 [1941];

STATUES AND RULES

[A] RIGHT TO TRIAL BY JURY AS DECLARED BY THE SEVENTH AMENDMENT OR AS GIVEN BY STATUTE OF THE UNITED STATES SHALL BE PRESERVED INVOLATE.

[B] DUE PROCESS UNDER THE FOURTEENTH AMENDMENT, PROCEDURAL DUE PROCESS BASED ON FUNDAMENTAL FAIRNESS, WHICH LEGAL PROCEDURES ARE TO BE FOLLOWED IN STATE PROCEEDING.

[C] FLORIDA STATUES 1.430 [d] JURY WAIVER, A PARTY WHO FAILS TO SERVE A DEMAND AS REQUIRED BY THIS RULE WAIVES TRIAL BY JURY, IF WAIVED, A JURY TRIAL MAY NOT BE

[D] FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.545 [b] TIME STANDARDS FOR NON= JURY TRIAL HAD EXCEED DENYING DUE PROCESS.

IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

PETITIONER RESPECTFULLY PRAYS THAT A WRIT OF CERTIORARI ISSUE TO REVIEW THE JUDGMENT BELOW.

OPINIONS

BELOW

[] FOR CASES FROM FEDERAL COURTS;

THE OPINIONS OF THE UNITED STATES COURT OF APPEALS APPEARS AT APPENDIX [D] TO THE PETITION AND IS [UNPUBLISHED]

THE OPINIONS OF THE UNITED STATES DISTRICT COURT APPEARS AT APPENDIX [B] TO THE PETITION AND IS [UNPUBLISHED]

[] FOR CASES FROM STATE COURTS;

THE OPINION OF THE HIGHEST STATE COURT TO REVIEW THE MERITS APPEARS AT APPENDIX [D] TO THE PETITION AND IS [UNPUBLISHED]

[A] KIRK VS RICHARDSON---241 So 3d 102 [2017]--20171122272 APPENDIX [B] DECISION WITHOUT PUBLISHED OPINION; --OPINION FILED NOVEMBER 22,2017;

[B] KIRK VS RICHARDSON CASE NO; 2D19-89 APPENDIX [C] OPINION FILED FEBRUARY 5,2020.

JURISDICTION

[] FOR CASES FROM FEDERAL COURTS

THE DATE ON WHICH THE UNITED STATES COURT OF APPEALS DECIDED MY CASE WAS, MARCH 13th 2020.

[] A TIMELY PETITION FOR REHEARING WAS DENIED BY THE UNITED STATES COURT OF APPEALS ON THE FOLLOWING DATE APRIL 7th 2020 AND A COPY OF THE ORDER DENYING REHEARING APPEARS AT APPENDIX [A].

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. SUBSECTION 1254 [1].

[] FOR CASES FROM STATE COURTS;

THE DATE ON WHICH THE HIGHEST STATE COURT DECIDED MY CASE WAS MARCH 13th 2020.A COPY APPEARS AT APPENDIX [D].

[] A TIMELY PETITION FOR REHEARING WAS THEREAFTER DENIED ON THE FOLLOWING DATE APRIL 7th 2020. AND A COPY OF THE ORDER DENYING REHEARING APPEARS AT APPENDIX [A]

THE JURISDICTION OF THIS COURT IS INVOKED UNDER 28 U.S.C. SUBSECTION 1257 [A]

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

[A] THE SEVENTH AMENDMENT [AMENDMENT VII] TO THE UNITED STATES CONSTITUTION IS PART OF THE BILL OF RIGHTS. THIS AMENDMENT CODIFIES THE RIGHT TO A JURY TRIAL IN CERTAIN CIVIL CASES AND JNHIBITS [COURTS] FROM OVERTURNING A JURYS FINDING OF FACTS. [SEE] APPENDIX B. DATED MARCH 13,2020

[B] THE FOURTEENTH AMENDMENT DUE PROCESS CLAUSE,THE SUPREME COURT OF THE UNITED STATES INTERPRETS THE CLAUSES BROADLY THAT THESE CLAUSES PROVIDE PROTECTION;

IN[PROCEDURAL DUE PROCESS IN CIVIL AND CRIMINAL PROCEEDINGS] [SEE] APPENDIX [A] DATED APRIL 7th 2020, and MARCH 13th,2020:

STATEMENT OF THE CASE

ON 2/23/2012 PETITIONER FILES CIVIL COMPLAINT AGAINST RESPONDENTS RICHARDSON, AND OSIMEN, et,al. AND DEMANDED FOR AND PRAY FOR, A JURY TRIAL.

ON 2/23/2012 CASE SUMMARY CASE FLAGS STATES [JURY CASE]

ON 5/19/2015 PETITIONER FILES AMENDED COMPLAINT REQUESTING FOR, AND PRAYING FOR, A JURY TRIAL.

AT NO TIME HAS THE PETITIONER NOR, RESPONDENTS, FILE A 1.430 [d] F.S. JURY TRIAL Wavier.

ON 10/2016, JUDGE ELIZABETH G. RICE ORDERED A NON-JURY TRIAL AFTER THE TIME STANDARDS FOR NON-JURY TRIALS HAD EXCEEDED, FLORIDA RULES OF JUDICIAL ADMINISTRATION 2.545 [b] ALSO HAS IMPOSED TIME STANDARDS WITHIN WHICH MOST CASES SHOULD BE COMPLETED, JUDGE E. RICE FAILS TO COMPLY WITH THE WRITTEN LAW. DENYING PETITIONER HIS DUE PROCESS.

JUDGE E RICE HAS SHOWN A PATTERN OF IMPROPER ACTIVITY THAT HAS AFFECTED PETITIONERS DUE PROCESS.

JUDGE E. RICE HAS FAIL TO COMPLY WITH THE RULES OF LAW, DENYING PETITIONERS RIGHT TO A JURY TRIAL AS GUARANTEED BY ARTICLE 1, SECTION 22 OF THE FLORIDA CONSTITUTION.

PETITIONERS SEVENTH AMENDMENT TO THE UNITED STATES CONSTITUTION ENSURES THE PETITIONER RIGHT TO A TRIAL BY JURY IN A CIVIL LAWSUIT INVOLVING CLAIMS VALUED MORE THAN 20 DOLLARS.

THERE HAS CLEARLY BEEN A MISTAKEN APPREHENSION OF THE LAW. AND THE CLEAR JUSTICE OF THIS CASE FAVORS THE GRANTING OF LEAVE TO REOPEN THIS CASE, WHERE AN INVESTIGATION CAN BE OPEN WHERE THE CIVIL LIBERTIES ARE GUARANTEED UNDER THE UNITED STATES CONSTITUTION.

[A] SUBPOENA/ CONTEMPT, IS REFUSAL TO RESPOND TO A SUBPOENA, TO TESTIFY TO FULFILL THE LEGAL OBLIGATIONS, OR TO PROVIDE CERTAIN INFORMATION CAN CONSTITUTE CONTEMPT OF COURT, [YET] THERE WERE NO SANCTIONS FILE BY JUDGE E RICE, NO CIVIL CONTEMPT WAS FILED DESPITE THE SUMMONS THAT IS REQUIRING ATTENDANCE TO BE, TO PERSONALLY APPEAR,

[B] MARION JONES -RECEIVED SUBPOENA, SIGN SUBPOENA, FAIL TO APPEAR, NO CONTEMPT

[C] TAMPA POLICE OFFICER DAVID WALKER, RECEIVE SUBPOENA, SIGN SUBPOENA, FAIL TO APPEAR TO GIVE TESTIMONY IN BEHALF OF PETITIONER, AGAINST RESPONDENTS, NO CONTEMPT WAS FILED BY JUDGE E RICE

[D] BEN WILLIAMS SUBPOENA, RECIEVE SUBPOENA, SIGN SUBPOENA, FAIL TO APPEAR TO TESTIMONY ON BEHALF OF PETITIONER AGAINST RESPONDENTS, NO COMTEMPT FILE BY JUDGE E RICE AT ALL TIMES THE PETITIONERS DUE PROCESS IS BEING DENIED BY JUDGE E RICE, THIS IS AN ATTACK ON THE RULE OF LAW .

PETITIONER ALLEGES AT ALL TIMES THAT [HE] WAS EMPLOYED" BY RESPONDENT RICHARDSON, RESPONDENT RICHARDSON DISPUTED THIS, [YET] RESPONDENT RICHARDSON CO-DEFENDENT MARIA O OSIMEN GAVE A SWORN STATEMENT TO TAMPA POLICE OFFICER DAVID WALKER THAT BOTH RICHARDSON AND THE PETITIONER WORK FOR OSIMEN, THE FACTS, EVIDENCE, AND TESTIMONY AT THE BENCH TRIAL REVEALED THAT THE RESPONDENT RICHARDSON EMPLOYED THE PETITIONER AND MR SCOTT. RESPONDENT ALSO EMPLOYED PETITIONER WITNESS BEN WILLIAMS WHOM JUDGE E RICE FAIL TO HOLD IN CONTEMPT FOR FAILURE TO APPEAR AT THE BENCH TRIAL, DATED DECEMBER 5th AND DECEMBER 12th 2016.

JUDGE RICE RULES IN RESPONDENTS FAVOR DUE TO THE FACT THAT PETITIONERS FEDERAL MEDICAL DOCTORS WERE UNABLE TO APPEAR AT THE BENCH TRIAL BECAUSE THE PETITIONER IS A UNITED STATES MARINE CORP VIETNAM VETERAN WHO WAS TREATED AT JAMES A HALEY VETERANS HOSPITAL FOR THE INJURIES HE RECEIVED BY RESPONDENT RICHARDSON NEGLIGENCE FAILING TO TAKE CARE TO AVOID CAUSING INJURY OR LOSS TO ANOTHER PERSON,

STATEMENT FROM VA, ATTORNEY MR JUSTIN ZIMMER WASHINGTON D.C. COURT OF APPEAL;S FOR VETERANS, STATES RE- INFORMATION ON REQUESTING TESTIMONY FROM VA PROVIDERS GCL 35383 DEAR MR KIRK, AS AN ATTORNEY IN VA,s OFFICE OF CHIEF COUNSEL. I AM AUTHORIZED " TO DETERMINE WHETHER VA PERSONEL MAY BE INTERVIEWED CONTACTED OR USED AS WITNESSES, INCLUDING USED AS EXPERT WITNESSES BASED ON FEDERAL POLICY TOUHY VS RAGEN, 340 U.S. 462 [1951]

RE; MEDICAL CARE RECOVERY ACT CASE, KAREEM K KIRK SR, SUBROGATION CLAIM; 37,223,75 DOLLARS,D/A SEPTEMBER 1st 2011 RESPONABLE PARTIES RESPONDENT JANET RICHARDSON et,al THIS IS THE REASON PETITIONER FEDERAL MEDICAL DOCTORS WERE UNABLE TO APPEAR AT THE BENCH TRIAL,

ON 7/22/2018 JUDGE E RICE MAILS ALL PARTIES A COURT NOTICE STATING [ADMINISTRATIVELY CLOSING CASE] AND ANY PARTY MAY FILE A MOTION TO REOPEN OR REACTIVATE SAID CASE,AND THAT [HER] JUDGE RICE COURT [RESERVES JURISDICTION]

ON 11/30/2018 PETITIONER FILES MOTION TO REOPEN, AND REACTIVATE THIS CASE,

ON 12/13/2018 JUDGE E RICE MAILS ANOTHER NOTICE TO ALL PARTIES DENYING PETITIONERS MOTION, [NOW STATING] [HER] JUDGE E RICE COURT LACKS JURISDICTION CONTRAY TO THE ORDER DATED 7/22/2018

IT IS RESONABLELY CLEAR THAT THE NEW EVIDENCE, AND NEW WITNESSES TESTIMONY,WITNESSES THAT WAS SUBPOENA AND NEVER APPEARED NOR NEVER HELD IN CONTEMPT BY JUDGE E RICE WOULD

HAVE PRODUCED AND OPPOSE VERVICT ALONG WITH PETITIONERS DEMAND FOR JURY TRIAL, THAT THE PETITIONER IS CONSTITUTIONLLY ENTITLE TO HAVE UNDER THE UNITED STATES BILL OF RIGHTS;

JUDGE E RICE HAS CLEARLY IMPEDED THE DUE ADMINISTRATION OF JUSTICE, AND THE SUPREME COURT OF FLORIDA STATES THAT THEY LACK JURISDICTION TO REVIEW AN UNELABORATED DECISION FROM THE DISTRICT COURT OF APPEAL THAT IS ISSUE WITHOUT OPINION OR EXPLANATION,[SEE] APPENDIX [D] DATED MARCH 23, 2020-.

REASONS FOR GRANTING THE PETITION

[A] JUDGE ELIZABETH G. RICE FAILED TO COMPLY WITH THE RUELS OF LAW, PETITIONER SEVENTH AMENDMENT RIGHTS OF THE CONSTITIUTION, AND DISRESPECTING THE RUEL OF LAW, IN [ARTICLE 6, OF THE UNITED STATES CONSTITUTION;

[B] THE RIGHT TO A FAIR TRIAL INCLUDES THE FOLLOWING FAIR TRIAL RIGHTS IN CIVIL, AND CRIMINAL PROCEEDINGS, THE RIGHT TO BE HEARD BY A COMPETENT, AND INDEPENDENT, AND IMPARTIAL TRIBUNAL. THE RIGHT TO A PUBLIC HEARING. THE RIGHT TO BE HEARD WITHIN A REASONABLE TIME.

[C] THE CLERK OF COURT ISSUED A [CLERK ORDER DEFAULT] AGAINST BOTH RESPONDENTS FOR FAILURE TO COMPLY WITH A COURT ISSUE SUMMONS,ONCE AGAIN JUDGE E RICE FAIL TO COMPLY WITH THE RULE OF LAW, BY NOT COMPLYING WITH THE CLERKS ORDER,

[D] PETITIONER, DUE PROCESS OF LAW REQUIRES THAT THE PROCEEDING SHALL BE FAIR. JUDGE E RICE DENIAL OF DUE PROCESS IS THE FAILURE TO OBSERVE THE FUNDAMENTAL FAIRNESS THATS ESSENTIAL TO THE VERY CONCEPT OF JUISTICE.

[E] THE ABSENCE OF THAT FAIRNESS FATALLY EFFECTED THE PETITIONERS TRIAL [HAD] JUDGE E RICE COMPLIED WITH THE RULE OF LAW AS THE CLERK OF COURT DID BY ISSUING THE DEFAULT, THERE WOULD NOT HAVE BEEN A [TRIAL], [SEE] SNYDER VS MASSACHUSETTS 291 U.S.97,116-117 [1934] BUCHALTER VS NEW YORK 319 U.S. 427-429[1943] LISENBA VS CALIFORNIA 314 U.S. 219-236 [1941]

[F] ONE OF THE DECISIONS ON REVIEW IS A DECISION FROM THE DISTRICT COURT OF APPEAL THAT EXPRESSLY CONSTRUES PROVISIONS OF THE STATE AND FEDERAL CONSTITUTIONS AND DIRECTLY CONFLICTS WITH THAT OF OTHER DISTRICT COURTS APPEAL ON THE SAME QUESTIONS OF LAW, AND GIVES THE PETITIONER AND THE SUPREME COURT OF FLORIDA AN UNELABORATED DECISION, WITHOUT OPINION SO THAT THE COURTS WANT SEE WHAT THERE CONSTITUTIONAL OVERSITES ARE,

CONCLUSION

=====

CLEARLY ERRONOUS, TO THIS TRIAL COURT, AS OPPOSED TO A JURY, OR AMINISTRATIVE AGENCY MAKES A FINDING OF FACTS, SUCH AS A UNCONSTITUTIONAL BENCH TRIAL THAT THE FINDINGS WAS NOT DISTRUBED, UNLESS THE APPELLATE COURT IS LEFT WITH A DEFINITE AND FIRM CONVICTION THAT A CONSTITUTIONAL MISTAKE HAS BEEN COMMITTED BY THIS COURT OF THE 13th JUDICAL CIRCUIT SUCH AS WITH JUDGE E RICE, HAS MADE IN HER BENCH ERROR, THAT ACT , OR OMISSION, HAS TO DUE WITH THE DENYING THE WRITTEN LAW OF THE UNITED STATES CONSTITUTION. AT ALL TIMES THE PETITIONER HAS DEMANDED,RESPECTFULLY REQUESTED FOR, AND PRAYED FOR A JURY TRIAL, WHEREFORE PETITIONER PRAYS THAT THIS HONORABLE COURT GRANTS THE PETITION FOR WRIT OF CERTIORARI,AS IT SHOULD BE GRANTED,

RESPECTFULLY SUBMITTED,

KAREEM K. KIRK SR,

AUGUST 18th 2020

NO=====

IN THE

SUPREME COURT OF THE UNITED STATES

=====

KAREEM K KIRK SR,====PETITIONER

VS

JANET R RICHARDSON

AND

MARIA O OSIMEN et, al.

PROOF OF SERVICE

I KAREEM K KIRK SR, DO SWEAR OR DECLARE THAT ON THIS DATE AUGUST 18th 2020. AS REQUIRE BY

SUPREME COURT RULE 29, HEREBY DO CERTIFY THAT A TRUE AND CORRECT COPY OF THE FOREGOING HAS BEEN FURNISHED TO THE FOLLOWING BY COMMERCIAL CARRIER FOR DELIVERY WITHIN THREE [3] CALENDAR DAYS, PETITION FOR WRIT OF CERTIORARI ON EACH PARTY TO THE ABOVE PROCEEDING,

JANET R RICHARDSON 1113 W. GRACE ST.
TAMPA FLA 33607,

MARIA O OSIMEN 7618 HORSE POND
ROAD ODESSA FLA 33556

I DECLARE UNDER [PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

EXECUTED ON AUGUST 18th 2020.

KAREEM K KIRK SR,

Kareem K Kirk Sr 8/18/2020